

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ANDY ORTIZ,	:	
<i>Plaintiff,</i>	:	
	:	
	:	CIVIL ACTION
v.	:	NO. 21-CV-3100
	:	
CITY OF PHILADELPHIA, <i>et al.</i> ,	:	
<i>Defendants.</i>	:	

ORDER

AND NOW, this 6th day of May, 2022, upon consideration of Plaintiff Andy Ortiz's Amended Complaint (ECF No. 16) and consistent with the accompanying memorandum of law, it is **ORDERED** that:

1. The Amended Complaint is **DISMISSED IN PART WITH PREJUDICE AND IN PART WITHOUT PREJUDICE** as follows:

a. Ortiz's claims against Defendant Gill based on interference with the grievance process, and all claims against Defendants Martin and Carney based on a failure to respond to Ortiz's grievance are **DISMISSED WITH PREJUDICE**.

b. Ortiz's supervisory liability claim against Defendant Carney, his First Amendment access to court and outside communications claims, and his Sixth Amendment claim based on denial of access to his attorney are **DISMISSED WITHOUT PREJUDICE**.

2. Ortiz may file a second amended complaint within thirty (30) days of the date of this Order. Any second amended complaint must identify all defendants in the caption of the second amended complaint in addition to identifying them in the body of the second amended complaint and shall state the basis for Ortiz's claims against each

defendant. The second amended complaint shall be a complete document that includes all of Ortiz's claims, including his claim against Defendant Lawton. It may not rely on the initial Complaint, the Amended Complaint, or other papers filed in this case to state a claim. When drafting his second amended complaint, Ortiz should be mindful of the Court's reasons for dismissing the claims in his Amended Complaint as explained in the Court's Memorandum. Upon the filing of a second amended complaint, the Clerk shall not make service until so **ORDERED** by the Court.

3. The Clerk of Court is **DIRECTED** to send Ortiz a blank copy of the Court's form complaint for a prisoner filing a civil rights action bearing the above civil action number. Ortiz may use this form to file his second amended complaint if he chooses to do so.¹

4. If Ortiz does not file a second amended complaint the Court will direct service of his Amended Complaint on Defendant Lawton **only**. Ortiz may also notify the Court that he seeks to proceed on this claim rather than file a second amended complaint. If he files such a notice, Ortiz is reminded to include the case number for this case, 21-3100.

5. The time to serve process under Federal Rule of Civil Procedure 4(m) is **EXTENDED** to the date 90 days after the Court issues summonses in this case if summonses are issued.

BY THE COURT:

/s/ Gerald J. Pappert
GERALD J. PAPPERT, J.

¹ This form is available on the Court's website at <http://www.paed.uscourts.gov/documents/forms/frmc1983f.pdf>.